

Pg 1 of 2  
CIVIL COVER SHEETJS 44C/SDNY  
REV. 7/2012

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

United Congregations Mesora and additional appellants listed in Appendix A

## DEFENDANTS

Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC

## ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Richard A. Kirby  
K&L GATES LLP, 1601 K Street, Washington, D.C. 20006  
Telephone: (202) 778-9000

## ATTORNEYS (IF KNOWN)

David J. Sheehan  
Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111  
Telephone: (212) 589-4216

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

An appeal of the Bankruptcy Court's denial of intervention pursuant to 28 U.S.C. § 158(a)(1) [or, in the alternative, Fed. R. Bank. 9033]

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 610 AGRICULTURE	[x] 422 APPEAL	[ ] 400 STATE
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[ ] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	DRUG	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[ ] 625 DRUG RELATED	28 USC 157	[ ] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	SEIZURE OF		[ ] 450 COMMERCE
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT	PROPERTY		[ ] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY	21 USC 881	<b>PROPERTY RIGHTS</b>	[ ] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY		[ ] 630 LIQUOR LAWS		ENCED & CORRUPT
OF JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 640 RR & TRUCK	[ ] 820 COPYRIGHTS	ORGANIZATION ACT
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT	[ ] 370 OTHER FRAUD	[ ] 650 AIRLINE REGS	[ ] 830 PATENT	(RICO)
[ ] 152 RECOVERY OF	LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 660 OCCUPATIONAL	[ ] 840 TRADEMARK	[ ] 480 CONSUMER CREDIT
DEFAULTED	[ ] 350 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL	SAFETY/HEALTH		[ ] 490 CABLE/SATELLITE TV
STUDENT LOANS	[ ] 355 MOTOR VEHICLE	PROPERTY DAMAGE	[ ] 690 OTHER	<b>SOCIAL SECURITY</b>	[ ] 810 SELECTIVE SERVICE
(EXCL VETERANS)	PRODUCT LIABILITY	[ ] 385 PROPERTY DAMAGE			[ ] 850 SECURITIES/
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	PRODUCT LIABILITY	<b>LABOR</b>	[ ] 861 HIA (1395ff)	COMMODITIES/
OVERPAYMENT	INJURY		[ ] 710 FAIR LABOR	[ ] 862 BLACK LUNG (923)	EXCHANGE
OF VETERAN'S			STANDARDS ACT	[ ] 863 DIWC/DIWW (405(g))	[ ] 875 CUSTOMER
BENEFITS			LABOR/MGMT	[ ] 864 SSID TITLE XVI	CHALLENGE
[ ] 160 STOCKHOLDERS			RELATIONS	[ ] 865 RSI (405(g))	12 USC 3410
SUITS			LABOR/MGMT		[ ] 890 OTHER STATUTORY
[ ] 190 OTHER		<b>PRISONER PETITIONS</b>	REPORTING &	<b>FEDERAL TAX SUITS</b>	ACTIONS
CONTRACT		[ ] 510 MOTIONS TO	DISCLOSURE ACT	[ ] 870 TAXES (U.S. Plaintiff or	[ ] 891 AGRICULTURAL ACTS
CONTRACT	<b>ACTIONS UNDER STATUTES</b>	VACATE SENTENCE	[ ] 740 RAILWAY LABOR ACT	Defendant)	[ ] 892 ECONOMIC
PRODUCT	<b>CIVIL RIGHTS</b>	20 USC 2255	[ ] 790 OTHER LABOR	[ ] 871 IRS-THIRD PARTY	STABILIZATION ACT
LIABILITY	[ ] 441 VOTING	[ ] 530 HABEAS CORPUS	LITIGATION	26 USC 7609	[ ] 893 ENVIRONMENTAL
[ ] 196 FRANCHISE	[ ] 442 EMPLOYMENT	[ ] 535 DEATH PENALTY	[ ] 791 EMPL RET INC		MATTERS
	[ ] 443 HOUSING/	[ ] 540 MANDAMUS & OTHER	SECURITY ACT		[ ] 894 ENERGY
	ACCOMMODATIONS				ALLOCATION ACT
<b>REAL PROPERTY</b>	[ ] 444 WELFARE	<b>PRISONER CIVIL RIGHTS</b>	<b>IMMIGRATION</b>		FREEDOM OF
[ ] 210 LAND	[ ] 445 AMERICANS WITH	[ ] 550 CIVIL RIGHTS	[ ] 462 NATURALIZATION		INFORMATION ACT
CONDEMNATION	DISABILITIES -	[ ] 555 PRISON CONDITION	APPLICATION		[ ] 900 APPEAL OF FEE
[ ] 220 FORECLOSURE	EMPLOYMENT		[ ] 463 HABEAS CORPUS-		DETERMINATION
[ ] 230 RENT LEASE &	[ ] 446 AMERICANS WITH		ALIEN DETAINEE		UNDER EQUAL
EJECTMENT	DISABILITIES -OTHER		[ ] 465 OTHER IMMIGRATION		ACCESS TO JUSTICE
[ ] 240 TORTS TO LAND	[ ] 440 OTHER CIVIL RIGHTS		ACTIONS		[ ] 950 CONSTITUTIONALITY
[ ] 245 TORT PRODUCT	(Non-Prisoner)				OF STATE STATUTES
LIABILITY					
[ ] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Jed S. Rakoff DOCKET NUMBER 11-cv-5223

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

Statement Attached as Appendix B

(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

**IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 1/23/13 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☒ NO Pro Hac Vice

[ ] YES (DATE ADMITTED Mo. \_\_\_\_ Yr. \_\_\_\_)

RECEIPT #

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)